

From: [Kitchings, Jenny](#)
To: "Mike McCall"; [Josh Howard](#)
Cc: [Blumenthal Jeffrey](#); [David Overstreet](#); tmcknew@foxrothschild.com
Bcc: [Harrison, Catherine](#)
Subject: RE: 2017-002260 ARCpoint of Tallahassee v. ARCpoint Franchise Group
Date: Friday, May 15, 2020 7:35:00 AM
Attachments: [image001.png](#)

Thanks so much to all for your responses. We will prepare to test the Webex oral argument on Monday, May 18, at 2:30. As set forth in my original email, oral argument will take place via Webex on June 2 at 10:40 am.

Mr. McCall, if you would not mind sending in a more formal letter or motion, if you wish to request some relief from the Court, we would appreciate it. Thank you for letting us know about the narrowing of issues for review on appeal.

Warmly,

Jenny

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
Ph: (803) 734-1891

From: Mike McCall [mailto:mike.mccall@earhartoverstreet.com]
Sent: Thursday, May 14, 2020 4:31 PM
To: Kitchings, Jenny <jkitchings@sccourts.org>; Josh Howard <jhoward@jhadvisors-law.com>
Cc: Blumenthal Jeffrey <Jeffrey@jcbllawyer.com>; David Overstreet <david.overstreet@earhartoverstreet.com>; tmcknew@foxrothschild.com
Subject: RE: 2017-002260 ARCpoint of Tallahassee v. ARCpoint Franchise Group

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Good afternoon Jenny,

I'll be handling arguments for Appellants. I'm available Monday at 2:30 for testing and for arguments on June 2.

I also wanted to alert the Court that the issues and parties have been narrowed since the time the

appeal was briefed. Respondents Florence ODS, Inc. and Myrtle Beach ODS, Inc. have elected to pursue arbitration of their claims against Appellant ARCpoint Franchise Group, LLC, and all other Respondents have resolved their claims against both Appellants (ARCpoint Franchise Group, LLC and ARCpoint Occupational Solutions, LLC). This effectively narrows the appeal down to whether Respondents Florence ODS, Inc.'s and Myrtle Beach ODS, Inc.'s claims against ARCpoint Occupational Solutions, LLC are subject to arbitration.

I'm happy to submit something more formal to the Court, but I wanted to go ahead and pass this along with arguments coming up.

Thanks,
Mike



Michael B. McCall
Attorney
Direct 843 628 3780
PO Box 22528, Charleston, SC 29413

From: Kitchings, Jenny <jkitchings@sccourts.org>
Sent: Thursday, May 14, 2020 4:03 PM
To: Josh Howard <jhoward@jhadvisors-law.com>
Cc: Blumenthal Jeffrey <Jeffrey@jcblawyer.com>; Mike McCall <mike.mccall@earhartoverstreet.com>; David Overstreet <david.overstreet@earhartoverstreet.com>; tmcknew@foxrothschild.com
Subject: RE: 2017-002260 ARCpoint of Tallahassee v. ARCpoint Franchise Group

Hello! I can be available Monday afternoon at 2:30 to conduct testing, if that works for everyone. I'm glad you're available June 2, and we will wait to hear from opposing counsel regarding their availability for both the oral argument and testing on Monday at 2:30. We're trying to schedule testing early so there is adequate time to test again if anyone would like. We greatly appreciate your responses.

Warmly,

Jenny

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From: Josh Howard [<mailto:jhoward@jhadvisors-law.com>]
Sent: Thursday, May 14, 2020 3:43 PM
To: Kitchings, Jenny <jkitchings@sccourts.org>
Cc: Blumenthal Jeffrey <Jeffrey@jcblawyer.com>; Mike McCall <mike.mccall@earhartoverstreet.com>
Subject: Re: 2017-002260 ARCpoint of Tallahassee v. ARCpoint Franchise Group

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Ms. Kitchings:

Good afternoon. I will be arguing and believe June 2 will work, but may have an issue with Monday's test. Would later Monday be available?

Thanks,

Josh Howard

Sent from my iPhone

On May 13, 2020, at 6:10 PM, Kitchings, Jenny <jkitchings@sccourts.org> wrote:

Dear Counsel:

Good afternoon. In response to the Covid-19 pandemic, the Court of Appeals is pursuing remote oral arguments via Cisco Webex. If counsel are available, we would like to schedule this appeal for June 2, 2020, at 10:40 am. The time limits for argument are as follows:

Appellant: 10 minutes
Respondent: 10 minutes
Appellant in reply: 10 minutes

I note there are multiple attorneys of record. By reply to this email, please let me know who will be making the arguments

and whether there are any conflicts with this date and time.

We would also like to schedule a test of Webex beforehand. By reply to this email, please let me know your availability to test on May 18, 2020, at 11:30 am.

Jenny Abbott Kitchings

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